



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Len Alsop
Executive Secretary-Director
State Commission for the Blind
Land Office Building
Austin, Texas

Dear Sir:

Opinion No. 0-5132
Re: Would Section 2 of House Bill
844, Regular Session, Forty-
second Legislature, permit the
State Commission for the Blind
to accept funds from the Fed-
eral Government?

Your letter of March 17, 1943, requesting the opin-
ion of this department on the above stated question reads as
follows:

"At this time there is legislation pending
in Washington which would give funds to state
agencies for the blind to be used in vocational
training for adult blind and for other purposes.
The Act specifically authorizes state agencies
for the blind to administer the provisions of the
Act if and when it becomes the law.

"Please inform this department whether Sec-
tion 2 of H. B. 844 as passed by the Forty-second
Legislature, Regular Session 1931, would permit
this department to accept funds from the federal
government. We hesitate to ask the Legislature
to pass a law specifically authorizing the State
Commission for the Blind to accept funds from the
federal government and to make reports to the fed-
eral government. We believe that under the provi-
sions of Section 2 of the law creating the State
Commission for the Blind, the said State Commission

for the Blind is given the authority to accept funds from the federal government even though the federal government is not specifically referred to in the law.

"Since there is a possibility that federal legislation will be passed within the next few weeks in which this agency may be given the authority to administer additional work for the blind with funds received from the federal government, I would appreciate your prompt reply to this matter."

This Department held in opinion No. O-2070 that "the State Commission for the Blind has specific statutory authority to receive gifts, bequests, or devices from individuals, associations or corporations, and may spend them in accordance with the provisions of this Act". Article 3207a, Vernon's Annotated Civil Statutes.

It will be noted that Section 2 of Article 3207a, Vernon's Annotated Civil Statutes Provides in part:

"... The Commission may also, . . . take such measures, in cooperation with other authorities, as it may deem advisable for the prevention of blindness or conservation of eyesight, and in appropriate cases, for the education of children and the vocational guidance of adults having seriously defective sight. The Commission may receive gifts, bequests, or devices from individuals, associations or corporations, and may expend them in accordance with the provisions of this Act."

The foregoing opinion (No. O-2070) further holds in effect that the State Commission for the Blind has the authority to enter into a contract entitled "Central Control Plan" as provided by the United States Office of Education, Department of the Interior. As the State Commission for the Blind has specific statutory authority to receive gifts, bequests or devices from individuals, associations or corporations, and may expend them in accordance with the provisions of the Act and as the Commission may also take such measures in cooperation with other authorities, as it may deem advisable for the prevention of blindness or conservation of eyesight, and in appropriate cases, for the education of children

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and the vocational guidance of adults having seriously defective sight, it is our opinion that the above stated question should be answered in the affirmative and is so answered.

In connection with the foregoing we direct your attention to our opinion No. 0-2355 with reference to the procedure for the State Commission for the Blind to follow in receiving monies donated.

Yours very truly

ATTORNEY GENERAL OF TEXAS

APPROVED MAR 19, 1943

Grover Sellers

By s/s

FIRST ASSISTANT
ATTORNEY GENERAL

Ardell Williams
Assistant

AW:mp
AW:pm

APPROVED
Opinion
Committee

By BWB
Chairman